

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2615**

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**Introduced by Assembly Member Wood**

February 19, 2016

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An act to amend Sections 8422, 8423, 8426, 8427, 8482.3, 8482.4, 8482.6, 8482.8, 8483.3, 8483.7, ~~8484~~, and 8484.8 of, and add Section 8426.5 to, the Education Code, relating to after school programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2615, as amended, Wood. After school programs.

(1) Existing law establishes the 21st Century High School After School Safety and Enrichment for Teens program, under the administration of the State Department of Education, and requires a high school after school program, established as specified, to consist of an academic assistance element and an enrichment element that include certain things. Existing law requires applicants for grants to ensure that certain requirements are fulfilled.

This bill would, among other things, (1) authorize a school program participating in the state program to charge family fees, as specified, (2) authorize the department to withhold or terminate grant allocations that do not comply with specified reporting requirements required by the department, and (3) allow participating school programs to transfer program services to another schoolsite within the same local educational agency under specified circumstances.

(2) Existing law establishes the After School Education and Safety Program (ASES) to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools, as specified.

This bill would, among other things, (1) specify that grades to be served by participating school programs may be determined by local ~~needs, needs and~~ (2) require participating school programs that charge family fees to waive or reduce the cost of these fees for pupils who are eligible for free or reduced-price meals, and ~~(3) define “urban and rural areas” and “northern, southern, and central California” for purposes of a specified provision of the ASES requiring, to the extent possible, equitable distribution of grant awards across the state. meals.~~

(3) Existing law states the intent of the Legislature that the 21st Century Community Learning Centers (21st CCLC) program contained within a specified federal act complement ASES. Existing law requires at least 40% of the total amount appropriated pursuant to the 21st CCLC program, except as specified, to be allocated to programs serving elementary and middle school pupils and at least 50% of the total amount appropriated, except as specified, to be allocated on a priority basis for after school grants to community learning centers serving high school pupils.

This bill would require the department to allocate those funds to each geographic region of the state, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 8422 of the Education Code is amended  
2     to read:  
3     8422. (a) Priority for funding pursuant to this article shall be  
4     given to programs that previously received funding pursuant to  
5     Section 8421, for expansion of existing grants up to the per site  
6     maximum established under paragraph (1) of subdivision (a) of  
7     Section 8426, or to replace expiring grants that have satisfactorily  
8     met their projected attendance goals.  
9     (b) A program established pursuant to this article shall be  
10    planned through a collaborative process that includes parents,  
11    pupils, representatives of participating schools, governmental  
12    agencies, including city and county parks and recreation

1 departments, community organizations, law enforcement, and, if  
2 appropriate, the private sector.

3 (c) Every pupil attending a school operating a program pursuant  
4 to this article is eligible to participate in the program, subject to  
5 program capacity. A program established pursuant to this article  
6 may charge family fees. Programs that charge family fees shall  
7 waive or reduce the cost of these fees for pupils who are eligible  
8 for free or reduced-price meals.

9 (d) A program established pursuant to this article shall have the  
10 option of operating under either of the following modes:

11 (1) After school only.

12 (2) After school and during any combination of before school,  
13 weekends, summer, intersession, and vacation.

14 SEC. 2. Section 8423 of the Education Code is amended to  
15 read:

16 8423. (a) (1) The department shall select grantees to  
17 participate in the 21st Century High School After School Safety  
18 and Enrichment for Teens program from among applicants that  
19 apply on forms and in a manner prescribed by the department. To  
20 the extent possible, the selection of applicants by the department  
21 shall result in an equitable distribution of grant awards to applicants  
22 in northern, southern, and central California, and in urban and rural  
23 areas of the state.

24 (2) For purposes of paragraph (1), the following terms shall  
25 have the following meanings:

26 (A) "Central California" means California County  
27 Superintendents Educational Services Association regions five to  
28 eight, inclusive.

29 (B) "Northern California" means California County  
30 Superintendents Educational Services Association regions one to  
31 four, inclusive.

32 (C) "Southern California" means California County  
33 Superintendents Educational Services Association regions 9 to 11,  
34 inclusive.

35 (D) "Urban and rural areas" shall be as defined by the United  
36 States Census Bureau.

37 (b) The department shall consider the following criteria in  
38 awarding grants:

1 (1) Strength of the educational element and coordination with  
2 state academic standards, preparation for the high school exit  
3 examination, and other academic interventions.

4 (2) Strength of the enrichment element.

5 (3) Evidence of community collaboration, including  
6 demonstrated support of the principal and staff from participating  
7 schools.

8 (4) A description of the manner in which programs will provide  
9 a safe physical and emotional environment and opportunities for  
10 relationship building, and promote active pupil engagement.

11 (5) A description of the manner in which the program design  
12 will be periodically reexamined in order to maintain strong pupil  
13 interest.

14 (6) A description of plans to attract pupils, particularly pupils  
15 considered at risk or in need of academic support, on a regular  
16 basis.

17 (c) The application shall certify all of the following:

18 (1) Completion of an assessment of pupils' preferences for  
19 program activities.

20 (2) Access to, and availability of, computers and technology.

21 (3) Inclusion of a nutritional snack, meal, or both, and a physical  
22 activity element.

23 (4) That the program will meet all of the evaluation  
24 requirements.

25 (5) Fiscal accountability.

26 (6) Collection and use of pupil social, behavioral, or skill  
27 development data collection to support quality program  
28 improvement processes. These pupil data outcomes may relate to  
29 specific social-emotional competencies, including, but not  
30 necessarily limited to, social skills, self-control, academic mindset,  
31 perseverance, conflict resolution, and school-connectedness.

32 SEC. 3. Section 8426 of the Education Code is amended to  
33 read:

34 8426. (a) (1) A grantee that establishes a program pursuant  
35 to this chapter is eligible to receive a five-year grant of up to two  
36 hundred fifty thousand dollars (\$250,000) per year per site in a  
37 program, subject to semiannual attendance reporting. Funding for  
38 a grant shall be allocated in annual increments for a period of not  
39 more than five years, contingent upon the availability and  
40 appropriation of federal funds by the Legislature for those grants.

1 (2) The department shall notify new grantees of their award  
2 status and dollar amount of the award, if any, in writing on or  
3 before May 15 of each year in which new grants are awarded. The  
4 grantee shall notify the department in writing of its acceptance of  
5 the grant.

6 (3) A first-year grant award shall be made no later than 60 days  
7 after enactment of the annual Budget Act and any authorizing  
8 legislation. A grant award for the second and subsequent fiscal  
9 years shall be made no later than 30 days after enactment of the  
10 annual Budget Act and any authorizing legislation.

11 (4) A grantee who receives funds pursuant to this article as part  
12 of a partnership or consortium may restructure the partnership or  
13 consortium if all of the following conditions are met:

14 (A) All partners or consortium members agree to the restructure.

15 (B) The new consortia or partnership structure, or structures,  
16 complies with the requirements of paragraph (8) of subdivision  
17 (f) of Section 8421, as applicable.

18 (C) There is no change in the school, or schools, served by the  
19 restructured partnership or consortium.

20 (D) The department agrees to the restructure.

21 (b) The department shall allocate 25 percent of the grant amount  
22 each year no later than 30 days after the grant award acceptance  
23 letter is received by the department.

24 (c) (1) Not more than 15 percent of each annual grant amount  
25 may be used by a grantee for administrative costs. For purposes  
26 of this article, administrative costs shall include indirect costs.  
27 Indirect costs shall not exceed the lesser of the following:

28 (A) The grantee's indirect cost rate, as approved by the  
29 department for the appropriate fiscal year.

30 (B) Five percent of the state program funding received pursuant  
31 to this article.

32 (2) In addition to the funding allowed for administrative costs  
33 pursuant to paragraph (1), up to 15 percent of the first year's annual  
34 grant award for each after school grant recipient may be used for  
35 startup costs.

36 (3) Funding made available pursuant to this subdivision shall  
37 not result in an increase in the total funding of a grantee above the  
38 approved grant amount.

39 (d) Grantees are subject to semiannual attendance reporting  
40 during each year of the grant.

1 (1) The department shall provide technical support for  
2 development of a program improvement plan for grantees under  
3 either of the following conditions:

4 (A) If actual pupil attendance falls below 75 percent of the  
5 proposed levels in any year of the grant.

6 (B) If the grantee fails, in any year of the grant, to demonstrate  
7 measurable outcomes pursuant to Section 8427.

8 (2) If the actual pupil attendance falls below 75 percent of the  
9 proposed attendance level at the end of the second year of the  
10 grant, the department may reduce funding for the grantee.

11 (3) The department shall adjust the grant level of any school in  
12 the program that is under its proposed attendance level by more  
13 than 15 percent in each of two consecutive years.

14 (4) In any year, after the first grant-year period, that the actual  
15 attendance level of a school within the program falls below 75  
16 percent of the proposed attendance level, the department shall  
17 perform a review of the program and may adjust the grant level  
18 as the department deems appropriate.

19 (e) Notwithstanding any other provision of this section or any  
20 other law, the department may at any time terminate the grant of  
21 a school in a public school program that fails in three consecutive  
22 years to meet either of the following requirements:

23 (1) Demonstrate program outcomes pursuant to Section 8427.

24 (2) Attain 75 percent of its proposed attendance levels after  
25 having its program reviews and grant level adjusted by the  
26 department.

27 (f) The department shall create a process to allow a grantee to  
28 voluntarily lower its annual grant amount if one or more sites are  
29 unable to meet the proposed pupil attendance levels by the end of  
30 the second year of the grant.

31 (g) (1) The administrator of a program may supplement, but  
32 not supplant, existing funding for after school programs with grant  
33 funds awarded pursuant to this article.

34 (2) In addition to administrative costs, a program participant  
35 may expend up to the greater of 6 percent of its state funding or  
36 seven thousand five hundred dollars (\$7,500) to collect outcome  
37 data for evaluation and for reports to the department.

38 (3) All state funding awarded to a program pursuant to this  
39 article that remains after subtracting the administrative costs,  
40 startup costs, and outcome data costs authorized by subdivisions

(c) and (d) shall be allocated to the program site for direct services to pupils.

(h) When determining grant award amounts after each grant year, the department may consider whether a program is operating consistent with the terms of its application, including whether the number of pupils served on a regular basis is consistent with the number estimated, and may consider the strength of any justifications or future plans offered by the program to address inconsistencies with the terms of the application. If the department finds that a program is not operating consistent with the terms of its application, the department may take appropriate action, including denying grant awards or reducing the level of grant funding.

(i) The department may withhold or terminate grant allocation of any site or program that does not comply with audit resolutions, fiscal reporting, attendance reporting, or outcomes reporting requirements required by the department.

(j) If a program grantee is temporarily prevented from operating its entire program due to natural disaster, civil unrest, or imminent danger to pupils or staff, the department may approve a request by the grantee for pupil attendance credits equal to the average annual attendance that the grantee would have received if it had been able to operate its entire program during that time period.

SEC. 4. Section 8426.5 is added to the Education Code, to read:

8426.5. (a) (1) If there is a significant barrier to pupil participation in a program established pursuant to this article at the school of attendance, a grantee may request approval from the department to transfer program services to another schoolsite within the same local educational agency. The schoolsite to which the program will be transferred shall satisfy either of the following requirements:

(A) The schoolsite shall receive pupils from, and have a grant of the same type awarded pursuant to this article as, the transferring school.

(B) The schoolsite shall not have a 10-percent lower percentage of pupils eligible for free or reduced-price meals than the transferring school. If the proposed schoolsite is not yet open, feeder school free or reduced-price meal data, as determined by

1 the department, shall be considered in evaluating the proposed  
2 transfer.

3 (2) The schoolsite shall not increase the funding at the proposed  
4 schoolsite above the maximum after school grant amount  
5 established under paragraph (1) of subdivision (a) of Section 8426.  
6 An applicant that requests approval to transfer program services  
7 shall describe the manner in which the applicant intends to provide  
8 safe, supervised transportation; ensure communication among  
9 teachers in the regular school program, staff in the before school  
10 and after school components of the program, and parents of pupils;  
11 and coordinate the educational and literacy component of the before  
12 and after school components of the program with the regular school  
13 programs of participating pupils.

14 (b) For purposes of this article, a significant barrier to pupil  
15 participation in the before or after school component of a program  
16 established pursuant to this chapter means any of the following:

17 (1) Fewer than 20 pupils participating in the component of the  
18 program.

19 (2) Extreme transportation constraints, including, but not limited  
20 to, desegregation bussing, bussing for magnet or open enrollment  
21 schools, or pupil dependence on public transportation.

22 (3) A local educational agency opens a new schoolsite and either  
23 merges the program of an existing schoolsite with the new  
24 schoolsite or splits the program of the existing schoolsite with the  
25 new schoolsite so that the existing schoolsite is subject to a grant  
26 reduction pursuant to subdivision (d) of Section 8426.

27 SEC. 5. Section 8427 of the Education Code is amended to  
28 read:

29 8427. (a) A high school after school program established  
30 pursuant to this article shall submit to the department annual  
31 outcome-based data for evaluation.

32 (1) To demonstrate program effectiveness, grantees shall submit,  
33 using the unique statewide pupil identifiers for participating pupils  
34 who are unduplicated pupils, both of the following:

35 (A) Schoolday attendance on an annual basis.

36 (B) Program attendance on a semiannual basis.

37 (2) Programs shall submit evidence of a data-driven program  
38 quality improvement process that is based on the department's  
39 guidance on program quality standards developed pursuant to  
40 paragraph (3).



1 (3) The department may develop additional measures to  
2 demonstrate program effectiveness, including, but not limited to,  
3 program quality standards. Additions shall be developed in  
4 consultation with the advisory committee pursuant to Section  
5 8484.9.

6 (4) Programs shall submit information to the department through  
7 the process used in subdivision (b) of Section 8421.5.

8 (b) (1) If a program consistently fails to demonstrate measurable  
9 program outcomes for three consecutive years, the department  
10 may terminate the program pursuant to the process described in  
11 subdivision (e) of Section 8426. The department shall consider  
12 multiple outcomes and not rely on one outcome in isolation.

13 (2) For purposes of this subdivision, “consistently fails to  
14 demonstrate measurable program outcomes” means failure to meet  
15 program effectiveness requirements pursuant to the criteria in  
16 paragraphs (1) and (2) of subdivision (a).

17 (3) Measurable program outcomes may be demonstrated by,  
18 but are not limited to, the following methods:

19 (A) Comparing pupils participating in the program to  
20 nonparticipating pupils at the same schoolsite.

21 (B) Pupils participating in the program demonstrate  
22 improvement on one or more indicators collected by the program  
23 pursuant to this section.

24 (c) The department shall identify or develop standardized  
25 procedures and tools to collect the indicators in paragraphs (1) and  
26 (2) of subdivision (a) in accordance with the recommendations  
27 made pursuant to paragraph (5) of subdivision (h) of Section  
28 8484.9.

29 SEC. 6. Section 8482.3 of the Education Code is amended to  
30 read:

31 8482.3. (a) The After School Education and Safety Program  
32 shall be established to serve pupils in kindergarten and grades 1  
33 to 9, inclusive, at participating public elementary, middle, junior  
34 high, and charter schools. The grades to be served by the program  
35 at participating schools may be determined by local needs.

36 (b) A program may operate a before school component of a  
37 program, an after school component, or both the before and after  
38 school components of a program, on one or multiple schoolsites.  
39 If a program operates at multiple schoolsites, only one application  
40 shall be required for its establishment.

1 (c) (1) Each component of a program established pursuant to  
2 this article shall consist of the following two elements:

3 (A) An educational and literacy element in which tutoring or  
4 homework assistance is provided in one or more of the following  
5 areas: language arts, mathematics, history and social science,  
6 computer training, or science.

7 (B) An educational enrichment element that may include, but  
8 need not be limited to, fine arts, career technical education,  
9 recreation, physical fitness, and prevention activities.

10 (2) Notwithstanding any other provision of this article, the  
11 majority of the time spent by a pupil who is in kindergarten or any  
12 of grades 1 to 9, inclusive, and who is participating in a career  
13 technical education element of a program established pursuant to  
14 this article shall be at a site that complies with Section 8484.6.

15 (d) (1) Applicants shall agree that snacks made available  
16 through a program shall conform to the nutrition standards in  
17 Article 2.5 (commencing with Section 49430) of Chapter 9 of Part  
18 27 of Division 4 of Title 2.

19 (2) Applicants shall agree that meals made available through a  
20 program shall conform to the nutrition standards of the United  
21 States Department of Agriculture's at-risk afterschool meal  
22 component of the Child and Adult Care Food Program (42 U.S.C.  
23 Sec. 1766).

24 (e) Applicants for programs established pursuant to this article  
25 may include any of the following:

26 (1) A local educational agency, including, but not limited to, a  
27 charter school, the California School for the Deaf (northern  
28 California), the California School for the Deaf (southern  
29 California), and the California School for the Blind.

30 (2) A city, county, or nonprofit organization in partnership with,  
31 and with the approval of, a local educational agency or agencies.

32 (f) Applicants for grants pursuant to this article shall ensure that  
33 each of the following requirements is fulfilled, if applicable:

34 (1) The application documents the commitments of each partner  
35 to operate a program on that site or sites.

36 (2) The application has been approved by the school district, or  
37 the charter school governing body, and the principal of each  
38 participating school for each schoolsite or other site.

39 (3) Each partner in the application agrees to share responsibility  
40 for the quality of the program.

1 (4) The application designates the public agency or local  
2 educational agency partner to act as the fiscal agent. The fiscal  
3 agent may be changed upon approval by the department if the new  
4 fiscal agent is a local educational agency or public agency partner.  
5 For purposes of this section, “public agency” means only a county  
6 board of supervisors or, if the city is incorporated or has a charter,  
7 a city council.

8 (5) Applicants agree to follow all fiscal reporting and auditing  
9 standards required by the department.

10 (6) Applicants agree to incorporate into the program both of the  
11 elements required pursuant to subdivision (c).

12 (7) Applicants agree to provide information to the department  
13 for the purpose of program evaluation pursuant to Section 8483.55.

14 (8) Applicants shall certify that program evaluations will be  
15 based upon Section 8484 and upon any requirements recommended  
16 by the Advisory Committee on Before and After School Programs  
17 and adopted by the state board, in compliance with subdivision  
18 (g) of Section 8482.4.

19 (9) The application states the targeted number of pupils to be  
20 served by the program.

21 (10) Applicants agree to provide the following information on  
22 participating pupils to the department:

23 (A) Schoolday attendance rates.

24 (B) Program attendance.

25 (g) (1) Grantees shall review their after school program plans  
26 every three years, including, but not limited to, all of the following:

27 (A) Program goals. A grantee may specify any new program  
28 goals that will apply to the following three years during the grant  
29 renewal process.

30 (B) Program content, including the elements identified in  
31 subdivision (c).

32 (C) Outcome measures selected from those identified in  
33 subdivision (a) of Section 8484 that the grantee will use for the  
34 next three years.

35 (D) Any other information requested by the department.

36 (E) If the program goals or outcome measures change as a result  
37 of this review, the grantee shall notify the department in a manner  
38 prescribed by the department.

39 (F) The grantee shall maintain documentation of the after school  
40 program plan for a minimum of five years.

1 (2) The department shall monitor this review as part of its onsite  
2 monitoring process.

3 SEC. 7. Section 8482.4 of the Education Code is amended to  
4 read:

5 8482.4. (a) The department shall review applications submitted  
6 under this article to determine whether the applicable requirements  
7 in subdivision (f) of Section 8482.3 have been fulfilled.

8 (b) The department shall use the per-pupil formulas established  
9 pursuant to subparagraph (C) of paragraph (1) of subdivision (a)  
10 of Section 8483.7 and the targeted number of pupils to be served,  
11 as established pursuant to paragraph (9) of subdivision (f) of  
12 Section 8482.3, to determine the appropriate grant amount.

13 (c) (1) A grantee that establishes a program pursuant to this  
14 chapter is eligible to receive a three-year renewable grant subject  
15 to semi-annual reporting. Funding for a grant shall be allocated in  
16 annual increments for a period of not more than three years,  
17 contingent upon the availability of funds for those grants pursuant  
18 to Section 8483.5.

19 (2) A grantee who receives funds pursuant to this article as part  
20 of a partnership or consortium may restructure the partnership or  
21 consortium if all of the following conditions are met:

22 (A) All partners of the partnership or consortium agree to the  
23 restructure.

24 (B) The new consortia or partnership structure, or structures,  
25 complies with the requirements of subdivision (f) of Section  
26 8482.3, as applicable.

27 (C) There is no change in the school, or schools, served by the  
28 restructured partnership or consortium.

29 (D) The department approves the restructure.

30 (3) Restructure of a partnership or consortium pursuant to  
31 paragraph (2) may occur only at the time of grant renewal pursuant  
32 to the requirements of this article.

33 (d) The department shall notify new grantees of their award  
34 status and dollar amount of the award, if any, in writing on or  
35 before May 15 of each year in which new grants are awarded.

36 (e) A first-year grant award shall be made no later than 60 days  
37 after enactment of the annual Budget Act and any authorizing  
38 legislation. A grant award for the second and subsequent fiscal  
39 years shall be made no later than 30 days after enactment of the  
40 annual Budget Act and any authorizing legislation.

1 (f) The department shall allocate 65 percent of the first-year  
2 grant amount no later than 30 days after the grantee submits the  
3 grant award acceptance letter to the department. Of the remaining  
4 35 percent of the grant, the department shall allocate 25 percent  
5 or more of the funds within the operational period of the program  
6 and may retain up to 10 percent of the total grant until all  
7 administrative requirements of the grant have been met. For the  
8 second and subsequent years of the grant, the department shall  
9 allocate 65 percent of the annual grant amount for that year no  
10 later than 30 days after the annual Budget Act becomes effective.  
11 Of the remaining 35 percent of the grant, the department shall  
12 allocate 25 percent or more of the funds within the operational  
13 period of the program and may retain up to 10 percent of the total  
14 grant until all administrative requirements of the grant have been  
15 met.

16 (g) The Advisory Committee on Before and After School  
17 Programs shall make recommendations on reporting requirements  
18 for program evaluation and review consistent with subdivision (b)  
19 of Section 8483.55 to the department on or before June 30, 2007.  
20 The department shall review the committee's recommendations  
21 and present them, along with the department's recommendations,  
22 to the state board on or before September 30, 2007. The state board  
23 shall adopt requirements for program evaluation and review on or  
24 before November 30, 2007.

25 (h) (1) The department shall provide notice to all schools  
26 eligible for grants pursuant to this article regarding the availability  
27 of those grants and the application process.

28 (2) The department shall make the application available through  
29 its Internet Web site. The department shall determine the dates by  
30 which applications will be periodically considered for funding.

31 SEC. 8. Section 8482.6 of the Education Code is amended to  
32 read:

33 8482.6. Every pupil attending a school operating a program  
34 pursuant to this article is eligible to participate in the program,  
35 subject to program capacity. A program established pursuant to  
36 this article may charge family fees. Programs that charge family  
37 fees shall waive or reduce the cost of these fees for pupils who are  
38 eligible for free or reduced-price meals.

39 SEC. 9. Section 8482.8 of the Education Code is amended to  
40 read:

1 8482.8. (a) (1) If there is a significant barrier to pupil  
2 participation in a program established pursuant to this article at  
3 the school of attendance, a grantee may request approval from the  
4 department to transfer program services to another schoolsite within  
5 the same local educational agency. The schoolsite to which the  
6 program will be transferred shall satisfy either of the following  
7 requirements:

8 (A) The schoolsite shall agree to receive pupils from, and have  
9 an existing grant of the same type as, the school of attendance with  
10 the pupil participation barrier.

11 (B) The schoolsite shall not have a 10-percent lower percentage  
12 of pupils eligible for free or reduced-price meals than the school  
13 of attendance with the pupil participation barrier. If the proposed  
14 schoolsite is not yet open, feeder school free or reduced-price meal  
15 data, as determined by the department, shall be considered in  
16 evaluating the proposed transfer.

17 (2) The schoolsite shall not increase the funding at the proposed  
18 schoolsite above the maximum after school grant amount  
19 established in subparagraph (C) of paragraph (1) of subdivision  
20 (a) of Section 8483.7. An applicant that requests approval to  
21 transfer program services shall describe the manner in which the  
22 applicant intends to provide safe, supervised transportation; ensure  
23 communication among teachers in the regular school program,  
24 staff in the before school and after school components of the  
25 program, and parents of pupils; and coordinate the educational and  
26 literacy component of the before and after school components of  
27 the program with the regular school programs of participating  
28 pupils.

29 (b) For purposes of this article, a significant barrier to pupil  
30 participation in the before or after school component of a program  
31 established pursuant to this chapter means any of the following:

32 (1) Fewer than 20 pupils participating in the component of the  
33 program.

34 (2) Extreme transportation constraints, including, but not limited  
35 to, desegregation bussing, bussing for magnet or open enrollment  
36 schools, or pupil dependence on public transportation.

37 (3) A local educational agency opens a new schoolsite and either  
38 merges the program of an existing schoolsite with the new  
39 schoolsite or splits the program of an existing schoolsite with the  
40 new schoolsite so that the existing schoolsite is subject to a grant

1 reduction pursuant to subparagraph (A) of paragraph (1) of  
2 subdivision (a) of Section 8483.7.

3 (c) In addition to the authority to transfer funds among school  
4 programs pursuant to Sections 8483.7 and 8483.75, and in addition  
5 to the flexibility provided by subdivisions (a) and (b), a program  
6 grantee that is temporarily prevented from operating a program  
7 established pursuant to this article at the program site due to natural  
8 disaster, civil unrest, or imminent danger to pupils or staff may  
9 shift program funds to the sites of other programs established  
10 pursuant to this article to meet attendance targets during that time  
11 period.

12 (d) If a program grantee is temporarily prevented from operating  
13 its entire program due to natural disaster, civil unrest, or imminent  
14 danger to pupils or staff, the department may ~~recommend, and the~~  
15 ~~state board may approve,~~ *approve* a request by the grantee for  
16 ~~payment~~ *student attendance credits* equal to the ~~amount of funding~~  
17 *average annual attendance* that the grantee would have received  
18 if it had been able to operate its entire program during that time  
19 period.

20 (e) Upon the request of a program grantee, the ~~state board~~  
21 *department* may approve other unforeseen events as qualifying a  
22 program grantee to use the authority provided by subdivisions (c)  
23 and (d).

24 SEC. 10. Section 8483.3 of the Education Code, as amended  
25 by Section 14 of Chapter 370 of the Statutes of 2014, is amended  
26 to read:

27 8483.3. (a) The department shall select applicants to participate  
28 in the program established pursuant to this article from among  
29 applicants that apply on forms and in a manner prescribed by the  
30 department. It is the intent of the Legislature that the manner  
31 prescribed by the department, to the extent possible, allow for short  
32 and concise applicant responses.

33 (b) The department shall consider the following in selecting  
34 schools to participate in the program established pursuant to this  
35 article:

36 (1) Percentage of pupils eligible for free and reduced-price  
37 lunch.

38 (2) Other indicators of need for the program, including, but not  
39 limited to, socioeconomic status of the neighborhoods in which  
40 participating pupils reside, the percentage of English language

1 learners at the school, and the availability of programs in the  
2 community in which participating pupils reside.

3 (c) The application shall certify all of the following:

4 (1) Inclusion of an educational element.

5 (2) Inclusion of an enrichment element. These opportunities  
6 may include arts, career technical education, recreation, technology,  
7 and other activities to support positive youth development.

8 (3) That the program will provide a safe physical and emotional  
9 environment, opportunities for relationship building, and promote  
10 active pupil engagement.

11 (4) Staff training and development will be provided.

12 (5) Integration with the regular schoolday and other expanded  
13 learning opportunities.

14 (6) Community collaboration, including, but not limited to,  
15 demonstrated support of the schoolsite principal and staff.

16 (7) Opportunities for physical activity.

17 (8) Inclusion of a nutritional snack, meal, or both.

18 (9) Fiscal accountability.

19 (10) Availability of required local matching funds.

20 (11) That the program will meet all of the evaluation  
21 requirements.

22 (12) Collection and use of pupil social, behavioral, or skill  
23 development data collection to support quality program  
24 improvement processes. These pupil data outcomes may relate to  
25 specific social-emotional competencies, including, but not  
26 necessarily limited to, social skills, self-control, academic mindset,  
27 perseverance, conflict resolution, and school-connectedness.

28 (d) Subdivision (b) does not apply to an applicant school that  
29 meets the priority criteria described in subdivision (a) of Section  
30 8482.5.

31 SEC. 11. Section 8483.7 of the Education Code is amended to  
32 read:

33 8483.7. (a) (1) (A) Each school that establishes a program  
34 pursuant to this article is eligible to receive a three-year after school  
35 grant, that shall be awarded in three one-year increments and is  
36 subject to semiannual attendance reporting and requirements as  
37 described in Section 8482.3 once every three years.

38 (i) The department shall provide technical support for  
39 development of a program improvement plan for grantees under  
40 the following conditions:



1 (I) If actual pupil attendance falls below 75 percent of the target  
2 attendance level in any year of the grant.

3 (II) If the grantee fails, in any year of the grant, to demonstrate  
4 measurable outcomes pursuant to Section 8484.

5 (ii) The department shall adjust the grant level of any school  
6 within the program that is under its targeted attendance level by  
7 more than 15 percent in each of two consecutive years.

8 (iii) In any year after the initial grant year, if the actual  
9 attendance level of a school within the program falls below 75  
10 percent of the target attendance level, the department shall perform  
11 a review of the program and adjust the grant level as the department  
12 deems appropriate.

13 (iv) The department shall create a process to allow a grantee to  
14 voluntarily lower its annual grant amount if one or more sites are  
15 unable to meet the proposed pupil attendance levels by the end of  
16 the second year of the grant.

17 (v) A grantee who has had its grant amount reduced may  
18 subsequently request an increase in funding up to the maximum  
19 grant amounts provided under this subdivision.

20 (vi) The department may withhold or terminate the grant  
21 allocation of any site or program that does not comply with audit  
22 resolutions, fiscal reporting, attendance reporting, or outcomes  
23 reporting requirements required by the department.

24 (vii) Notwithstanding any other provision of this subdivision  
25 or any other law, after the technical assistance required under  
26 clause (i) has been provided, the department may at any time  
27 terminate the grant of a school in a program that fails for three  
28 consecutive years to meet either of the following requirements:

29 (I) Demonstrate measurable program outcomes pursuant to  
30 Section 8484.

31 (II) Attain 75 percent of its proposed attendance level after  
32 having had its program reviewed and grant level adjusted by the  
33 department.

34 (B) After school grants may be awarded to applicants that have  
35 demonstrated readiness to begin operation of a program or to  
36 expand existing programs.

37 (C) The maximum total after school grant amount awarded  
38 annually pursuant to this paragraph shall be one hundred twelve  
39 thousand five hundred dollars (\$112,500) for each regular school  
40 year for each elementary school and one hundred fifty thousand

1 dollars (\$150,000) for each regular school year for each middle or  
2 junior high school. The Superintendent shall determine the total  
3 annual after school grant amount for which a site is eligible based  
4 on a formula of seven dollars and fifty cents (\$7.50) per pupil per  
5 day of pupil attendance that the program plans to serve, with a  
6 maximum total grant of thirty-seven dollars and fifty cents (\$37.50)  
7 per projected pupil per week, and a formula of seven dollars and  
8 fifty cents (\$7.50) per projected pupil per day of staff development,  
9 with a maximum of three staff development days per year. A  
10 program may provide the three days of staff development during  
11 regular program hours using funds from the total grant award.

12 (2) For large schools, the maximum total grant amounts  
13 described in paragraph (1) may be increased based on the following  
14 formulas, up to a maximum amount of twice the respective limits  
15 specified in paragraph (1):

16 (A) For elementary schools, multiply one hundred thirteen  
17 dollars (\$113) by the number of pupils enrolled at the schoolsite  
18 for the normal schoolday program that exceeds 600.

19 (B) For middle schools, multiply one hundred thirteen dollars  
20 (\$113) by the number of pupils enrolled at the schoolsite for the  
21 normal schoolday program that exceeds 900.

22 (3) The maximum total grant amounts set forth in subparagraph  
23 (C) of paragraph (1) may be increased from any funds made  
24 available for this purpose in the annual Budget Act for participating  
25 schools that have pupils on waiting lists for the program. Grants  
26 may be increased by the lesser of an amount that is either 25  
27 percent of the current maximum total grant amount or equal to the  
28 proportion of pupils unserved by the program as measured by  
29 documented waiting lists as of January 1 of the previous grant  
30 year, compared to the actual after school enrollment on the same  
31 date. The amount of the required cash or in-kind matching funds  
32 shall be increased accordingly. First priority for an increased  
33 maximum grant pursuant to this paragraph shall be given to schools  
34 that qualify for funding pursuant to subdivision (b) of Section  
35 8482.55. Second priority shall be given to schools that receive  
36 funding priority pursuant to subdivision (f) of Section 8482.55.

37 (4) The minimum total after school grant amount for each  
38 schoolsite that may be awarded pursuant to this section shall be  
39 computed by multiplying the applicable rate per pupil per day of

1 pupil attendance by 20 pupils being served for 180 regular  
2 schooldays.

3 (5) A school that establishes a program pursuant to this section  
4 is eligible to receive a summer grant to operate the program in  
5 excess of 180 regular schooldays or during any combination of  
6 summer, intersession, or vacation periods for a maximum of the  
7 lesser of the following amounts:

8 (A) Seven dollars and fifty cents (\$7.50) per day per pupil.

9 (B) Thirty percent of the total grant amount awarded to the  
10 school per school year pursuant to subparagraph (C) of paragraph  
11 (1).

12 (C) Notwithstanding subparagraphs (A) and (B), the maximum  
13 total summer grant that may be awarded annually pursuant to this  
14 paragraph shall be thirty-three thousand seven hundred fifty dollars  
15 (\$33,750) for each regular school year for each elementary school  
16 and forty-five thousand dollars (\$45,000) for each regular school  
17 year for each middle or junior high school.

18 (6) Additional funding may be made available for transportation  
19 in programs that meet the requirements of Section 8484.65, in an  
20 amount not to exceed fifteen thousand dollars (\$15,000) per site,  
21 per school year, as funds are available, in accordance with the local  
22 community after school program needs as determined by the  
23 department. Programs shall submit to the department for  
24 consideration evidence of the need for after school transportation  
25 funds specific to after school programs pursuant to this article.  
26 Funding under this paragraph may be used to supplement, but not  
27 supplant, local transportation services.

28 (7) Each program shall provide an amount of cash or in-kind  
29 local funds equal to not less than one-third of the total grant from  
30 the school district, governmental agencies, community  
31 organizations, or the private sector. Facilities or space usage may  
32 fulfill not more than 25 percent of the required local contribution.

33 (8) (A) A grantee may allocate, with departmental approval,  
34 up to 125 percent of the maximum total grant amount for an  
35 individual school, so long as the maximum total grant amount for  
36 all school programs administered by the program grantee is not  
37 exceeded.

38 (B) A program grantee that transfers funds for purposes of  
39 administering a program pursuant to subparagraph (A) shall have  
40 an established waiting list for enrollment, and may transfer only

1 from another school program that has met a minimum of 70 percent  
2 of its attendance goal.

3 (b) The administrator of a program established pursuant to this  
4 article may supplement, but not supplant, existing funding for after  
5 school programs with grant funds awarded pursuant to this article.  
6 State categorical funds for remedial education activities shall not  
7 be used to make the required contribution of local funds for those  
8 after school programs.

9 (c) Up to 15 percent of the initial year's grant amount for each  
10 grant recipient may be used for startup costs. Under no  
11 circumstance shall funding for startup costs result in an increase  
12 in the grant recipient's total funding above the approved grant  
13 amount.

14 (d) For each year of the grant, the department shall award the  
15 total grant amount for that year not later than 30 days after the date  
16 the grantee accepts the grant.

17 (e) The department may adjust the amount of a direct grant,  
18 awarded to a new applicant pursuant to this section, on the basis  
19 of the program start date, as determined by the department.

20 ~~SEC. 12.—Section 8484 of the Education Code is amended to~~  
21 ~~read:~~

22 ~~8484. (a) As required by the department, programs established~~  
23 ~~pursuant to this article shall submit annual outcome-based data for~~  
24 ~~evaluation. The department may consider these outcomes when~~  
25 ~~determining eligibility for grant renewal.~~

26 ~~(1) To demonstrate program effectiveness, grantees shall submit,~~  
27 ~~using the unique statewide pupil identifiers, for participating pupils~~  
28 ~~who are unduplicated pupils, both of the following:~~

29 ~~(A) Schoolday attendance on an annual basis.~~

30 ~~(B) Program attendance on a semiannual basis.~~

31 ~~(2) Programs shall submit evidence of a data-driven program~~  
32 ~~quality improvement process that is based on the department's~~  
33 ~~guidance on program quality standards developed pursuant to~~  
34 ~~paragraph (3).~~

35 ~~(3) The department may develop additional measures for this~~  
36 ~~subdivision, including, but not limited to, program quality~~  
37 ~~standards. Additions shall be developed in consultation with the~~  
38 ~~evaluation committee of the advisory committee.~~

39 ~~(4) Programs shall submit information adopted through the~~  
40 ~~process outlined in subdivision (c).~~

1     ~~(b) (1) If a program consistently fails to demonstrate measurable~~  
2 ~~program outcomes for three consecutive years, the department~~  
3 ~~may terminate the program as described in subdivision (a) of~~  
4 ~~Section 8483.7. The department shall consider multiple outcomes~~  
5 ~~and not rely on one outcome in isolation.~~

6     ~~(2) For purposes of this section, “consistently fails to~~  
7 ~~demonstrate measurable program outcomes” means failure to meet~~  
8 ~~program effectiveness requirements pursuant to the criteria in~~  
9 ~~paragraphs (1) and (2) of subdivision (a).~~

10    ~~(3) Measurable program outcomes may be demonstrated by,~~  
11 ~~but are not limited to, comparing pupils participating in the~~  
12 ~~program to nonparticipating pupils at the same school site.~~

13    ~~(c) The department shall develop standardized procedures and~~  
14 ~~tools to collect the indicators in paragraphs (1) and (2) of~~  
15 ~~subdivision (a). The department shall consult with the evaluation~~  
16 ~~committee of the Advisory Committee on Before and After School~~  
17 ~~Programs pursuant to Section 8484.9.~~

18    ~~(d) (1) To the extent possible, the selection of applicants by the~~  
19 ~~department pursuant to this article shall result in an equitable~~  
20 ~~distribution of grant awards to applicants in northern, southern,~~  
21 ~~and central California, and in urban and rural areas of the state.~~

22    ~~(2) For purposes of paragraph (1), the following terms shall~~  
23 ~~have the following meanings:~~

24    ~~(A) “Central California” means California County~~  
25 ~~Superintendents Educational Services Association regions five to~~  
26 ~~eight, inclusive.~~

27    ~~(B) “Northern California” means California County~~  
28 ~~Superintendents Educational Services Association regions one to~~  
29 ~~four, inclusive.~~

30    ~~(C) “Southern California” means California County~~  
31 ~~Superintendents Educational Services Association regions 9 to 11,~~  
32 ~~inclusive.~~

33    ~~(D) “Urban and rural areas” shall be as defined by the United~~  
34 ~~States Census Bureau.~~

35    ~~SEC. 13.~~

36    ~~SEC. 12.~~ Section 8484.8 of the Education Code is amended to  
37 read:

38    8484.8. In accordance with Part B of Title IV of the federal  
39 No Child Left Behind Act of 2001 (Public Law 107-110), funds  
40 appropriated in Item 6110-197-0890 of Section 2.00 of the Budget

1 Act of 2002 are available for expenditure as follows, with any  
2 subsequent allocations for these purposes to be determined in the  
3 annual Budget Act:

4 (a) Beginning with the 2006–07 fiscal year, 5 percent of the  
5 federal funds appropriated through this article shall be available  
6 to the department for purposes of providing technical assistance,  
7 evaluation, and training services, and for contracting for local  
8 technical assistance, for carrying out programs related to 21st  
9 Century Community Learning Centers programs.

10 (1) The department shall provide directly, or contract for,  
11 technical assistance for new programs and any program that is not  
12 meeting attendance or performance goals, or both, and requests  
13 that assistance.

14 (2) (A) Training and support shall include, but is not limited  
15 to, the development and distribution of voluntary guidelines for  
16 physical activity programs established pursuant to subparagraph  
17 (B) of paragraph (1) of subdivision (c) of Section 8482.3, that  
18 expand the learning opportunities of the schoolday.

19 (B) The department shall distribute these voluntary guidelines  
20 for physical activity programs on or before July 1, 2009.

21 (3) In accordance with Part B of Title IV of the federal No Child  
22 Left Behind Act of 2001 (Public Law 107-110), funding for  
23 programs that promote parent involvement and family literacy are  
24 an allowable use of these funds.

25 (b) (1) At least 5 percent of the total amount appropriated  
26 pursuant to this article, after funds have been allocated pursuant  
27 to subdivision (a), shall be available for grants to provide equitable  
28 access and participation in community learning center programs,  
29 in an amount not to exceed twenty-five thousand dollars (\$25,000)  
30 per site, per year, according to needs determined by the local  
31 community.

32 (2) For purposes of paragraph (1), the department shall  
33 determine the requirements for eligibility for a grant, consistent  
34 with the following:

35 (A) Consistent with the local partnership approach inherent in  
36 Article 22.5 (commencing with Section 8482), grants awarded  
37 under this subdivision shall provide supplemental assistance to  
38 programs. It is not intended that a grant fund the full anticipated  
39 costs of the services provided by a community learning center  
40 program.

1 (B) In determining the need for a grant pursuant to this  
2 subdivision, the department shall base its determination on a needs  
3 assessment and a determination that existing resources are not  
4 available to meet these needs, including, but not limited to, a  
5 description of how the needs, strengths, and resources of the  
6 community have been assessed, currently available resources, and  
7 the justification for additional resources for that purpose.

8 (C) The department shall award grants for a specific purpose,  
9 as justified by the applicant.

10 (3) To be eligible to receive a grant under this subdivision, the  
11 designated public agency representative for the applicant shall  
12 certify that an annual fiscal audit will be conducted and that  
13 adequate, accurate records will be kept. In addition, each applicant  
14 shall provide the department with the assurance that funds received  
15 under this subdivision are expended only for those services and  
16 supports for which they are granted. The department shall require  
17 grant recipients to submit annual budget reports, and the department  
18 may withhold funds in subsequent years if after school grant funds  
19 are expended for purposes other than as awarded.

20 (4) The department shall require grant recipients to submit  
21 quarterly expenditure reports, and the department may withhold  
22 funds in subsequent years if access or literacy grant funds are  
23 expended for purposes other than as granted.

24 (c) At least 50 percent of the total amount appropriated pursuant  
25 to this article, after funds have been allocated pursuant to  
26 subdivision (a), shall be allocated on a priority basis for after school  
27 grants to community learning centers serving high school pupils  
28 funded pursuant to Section 8421. The department shall allocate  
29 funds to each geographic region described in subdivision (a) of  
30 Section 8423 by the regional percentage of statewide pupils who  
31 are eligible for free or reduced-price meals reported to the  
32 department for the immediately preceding fiscal year. Each region's  
33 percentage shall be determined by dividing the region's number  
34 of pupils eligible for free or reduced-price meals by the statewide  
35 number of pupils eligible for free or reduced-price meals.

36 (d) Grant awards under this section shall be restricted to those  
37 applications that propose primarily to serve pupils that attend  
38 schoolwide programs, as described in Title I of the federal No  
39 Child Left Behind Act of 2001 (Public Law 107-110). Competitive  
40 priority shall be given to applications that propose to serve pupils

1 in schools designated as being in need of improvement under  
2 subsection (b) of Section 6316 of Title 20 of the United States  
3 Code, and that are jointly submitted by school districts and  
4 community-based organizations.

5 (e) (1) At least 40 percent of the total amount appropriated  
6 pursuant to this article, after funds have been allocated pursuant  
7 to subdivision (a), shall be allocated to programs serving  
8 elementary and middle school pupils. The department shall allocate  
9 funds to each geographic region described in subdivision ~~(d)~~ of  
10 ~~Section 8484~~ (k) by the regional percentage of statewide pupils  
11 who are eligible for free or reduced-price meals reported to the  
12 department for the immediately preceding fiscal year. Each region's  
13 percentage shall be determined by dividing the region's number  
14 of pupils eligible for free or reduced-price meals by the statewide  
15 number of pupils eligible for free or reduced-price meals. The  
16 administrators of a program established pursuant to this article  
17 may operate during regular schooldays for a minimum of 15 hours  
18 per week and any combination of summer, intersession, or vacation  
19 periods for a minimum of three hours per day for the regular school  
20 year pursuant to Section 8483.7. Grantees administering  
21 comprehensive programs established pursuant to Section 8482.3  
22 are also eligible for funding for summer, intersession, or vacation  
23 periods pursuant to this section.

24 (2) After school and summer funding grants for programs  
25 serving middle and elementary school pupils shall be allocated  
26 according to the same funding provisions, and subject to the same  
27 reporting and accountability provisions, as described in Sections  
28 8483.7 and 8483.75.

29 (3) Priority shall be given to grant applications that will provide  
30 year-round expanded learning programming, including programs  
31 that complement existing funded programs. Year-round expanded  
32 learning programs are defined as any combination of an applicant  
33 that provides year-round programming, an applicant that offers  
34 summer programming to complement existing after school  
35 programs, or an applicant that offers after school programs to  
36 complement existing summer programs. The applicant is not  
37 required to be the same entity that operates the existing program,  
38 but shall identify the grantee with whom the applicant is  
39 coordinating for the purpose of providing year-round programming.



1 (4) (A) Funding for a grant shall be allocated in annual  
2 increments for a period not to exceed five years, subject to annual  
3 reporting and recertification as required by the department. The  
4 department shall establish a payment system to accommodate  
5 upfront payments. The department shall notify new grantees, whose  
6 grant awards are contingent upon the appropriation of funds for  
7 those grants, in writing no later than May 15 of each year in which  
8 new grants are awarded. A first-year grant award shall be made  
9 no later than 60 days after enactment of the annual Budget Act  
10 and any authorizing legislation. A grant award for the second and  
11 subsequent fiscal years shall be made no later than 30 days after  
12 enactment of the annual Budget Act and any authorizing legislation.  
13 The grantee shall notify the department in writing of its acceptance  
14 of the grant.

15 (B) For the first year of a grant, the department shall allocate  
16 25 percent of the grant for that year no later than 30 days after the  
17 grantee accepts the grant. For the second and subsequent years of  
18 the grant, the department shall allocate 25 percent of the grant for  
19 that year no later than 30 days after the annual Budget Act becomes  
20 effective. The grantee shall not use more than 15 percent of an  
21 annual grant award for administrative costs.

22 (C) In addition to the funding allowed for administrative costs  
23 under subparagraph (B), up to 15 percent of the initial annual grant  
24 award for each after school grant recipient may be used for startup  
25 costs.

26 (D) Under no circumstance shall funding made available  
27 pursuant to subparagraphs (B) and (C) result in an increase in the  
28 total funding of a grantee above the approved grant amount.

29 (5) A grantee shall identify the federal, state, and local programs  
30 that will be combined or coordinated with the proposed program  
31 for the most effective use of public resources, and shall prepare a  
32 plan for continuing the program beyond federal grant funding.

33 (6) A grantee shall submit semiannual attendance data and  
34 results to facilitate evaluation and compliance in accordance with  
35 provisions established by the department.

36 (7) A program receiving a grant under this subdivision is not  
37 assured of grant renewal from future state or federal funding at  
38 the conclusion of the grant period. However, priority for funding  
39 pursuant to this subdivision shall be given to programs with

1 expiring grants, if those programs have satisfactorily met projected  
2 pupil outcomes pursuant to subdivision (a) of Section 8484.

3 (f) A total annual grant award for after school funding and grants  
4 for a site serving elementary or middle school pupils shall be fifty  
5 thousand dollars (\$50,000) per year or more, consistent with federal  
6 requirements.

7 (g) Notwithstanding any other law, and contingent upon the  
8 availability of funding, the department may adjust the after school  
9 grant cap of any grantee based upon one or both of the following:

10 (1) Amendments made to this section by Chapter 555 of the  
11 Statutes of 2005.

12 (2) The demonstrated pupil attendance pattern of the grantee.  
13 The department may adjust grant awards pursuant to subparagraph  
14 (A) of paragraph (1) of subdivision (a) of Section 8483.7.

15 (h) Funds received but unexpended under this article may be  
16 carried forward to subsequent years consistent with federal  
17 requirements. In year one, the full grant may be retained.

18 (i) If funds remain after all of the priority allocations required  
19 pursuant to subdivisions (a), (b), (c), and (e) have been made, the  
20 department may use that money to fund additional qualified grant  
21 applications under subdivision (c), in order to ensure that all federal  
22 funds received for these purposes are expended for these purposes.  
23 If funds remain after additional qualified grant applications are  
24 approved for funding pursuant to subdivision (c), the department  
25 may award the remaining funds for additional qualified grant  
26 applications pursuant to subdivisions (b) and (e).

27 (j) In any fiscal year in which the total state appropriation for  
28 that fiscal year exceeds the total state appropriation for the 2008–09  
29 fiscal year after funds have been allocated pursuant to subdivision  
30 (a), the excess amount shall be allocated on a priority basis for  
31 after school grants to community learning centers funded pursuant  
32 to Section 8421 as follows:

33 (1) Thirty-five percent to community learning centers serving  
34 high school pupils.

35 (2) Fifty percent to community learning centers serving  
36 elementary and middle school pupils.

37 (3) Fifteen percent to summer programs serving elementary and  
38 middle school pupils.

39 (k) *(1) To the extent possible, the selection of applicants by the*  
40 *department pursuant to this article shall result in an equitable*

1 *distribution of grant awards to applicants in northern, southern,*  
2 *and central California, and in urban and rural areas of the state.*

3 *(2) For purposes of paragraph (1), the following terms shall*  
4 *have the following meanings:*

5 *(A) "Central California" means California County*  
6 *Superintendents Educational Services Association regions five to*  
7 *eight, inclusive.*

8 *(B) "Northern California" means California County*  
9 *Superintendents Educational Services Association regions one to*  
10 *four, inclusive.*

11 *(C) "Southern California" means California County*  
12 *Superintendents Educational Services Association regions 9 to 11,*  
13 *inclusive.*

14 *(D) "Urban and rural areas" shall be as defined by the United*  
15 *States Census Bureau.*

16 ~~(K)~~

17 *(I) This article shall be operative only to the extent that federal*  
18 *funds are made available for the purposes of this article. It is the*  
19 *intent of the Legislature that this article not be considered a*  
20 *precedent for general fund augmentation of either the state*  
21 *administered, federally funded program of this article, or any other*  
22 *state funded before or after school program.*